

Section 740 - Ventilation of Parking Garages for Multiple Dwellings

740.01 Purpose and Objectives.

Subd. 1 **Purpose.** The purpose of this Section is to protect the public from unacceptable levels of carbon monoxide in dwelling units.

Subd. 2 **Objectives.** The general objectives of this Section include the following:

- A. Prevent carbon monoxide from exceeding the maximum level in dwelling units.
- B. Monitor carbon monoxide levels periodically.
- C. Correct and prevent conditions that may allow unacceptable carbon monoxide levels.

740.02 Terms and Definitions.

Multiple Dwelling. Any building with three or more dwelling units as defined by Section 850 of the Code.

Parking Garage. An enclosure used for vehicle parking measuring over 1000 square feet in area and capable of being closed off from ambient air.

Ventilation System. An air exchange system operated by an electric exhaust fan and inlet opening designed to ventilate a parking garage.

740.03 Scope. This section shall be applicable to all multiple dwellings with a wall, floor or ceiling adjacent to a parking garage.

740.04 License Required. No person shall own or operate a parking garage with a wall, floor or ceiling which is adjacent to any multiple dwelling without first obtaining a license from the City. Where more than one parking garage is located on one tract, as defined in Subsection 850.03 of this Code, and the parking garages are owned or under the control of one applicant, one license shall apply to all parking garages located on such tract.

Subd. 1. License Application. The application for a license under this Section shall be submitted on forms provided by the Clerk. The application shall be accompanied by the fee in the amount set forth in Section 185 of this Code.

Subd. 2. License Procedure and Control. The provisions of Section 160 of this Code shall apply to all licenses required by this Section and the holders of such licenses.

Subd. 3. Term. Licenses issued pursuant to this Section shall expire on January 31st of each calendar year.”

Subd. 4. Inspection Fee.

740.05 Standards.

Subd. 1. Maximum Level of Carbon Monoxide. At no time shall the level of carbon monoxide exceed 10.0 parts per million (ppm) within any dwelling unit, or other area located in a multiple dwelling which is designed or used for residential occupancy.

Subd. 2. Ventilation. All components of ventilation systems shall comply with the requirements of the Uniform Mechanical Code and shall at all times be fully operable for the purpose of ventilating the parking garage.

740.06 Inspections and Right of Entry. For the purpose of determining compliance with the provisions of this Section, the Sanitarian is authorized to make inspections at such times as the Sanitarian deems necessary, to determine the condition of the property and the carbon monoxide level. For the purpose of making such inspections, the Sanitarian is authorized to enter, examine and survey all dwellings, dwelling units, rooms, garages, and premises upon which the same are located at all reasonable times including peak traffic periods. The owner, operator and occupant of every dwelling, dwelling unit, and rooms, shall give the Sanitarian free access to such dwelling, dwelling unit or room and its premises including parking garages for the purpose of such inspection, examination, and survey. Every occupant of a dwelling unit or rooms shall give the owner of it, or the owner’s agent or employee, access to any part of the dwelling unit or its premises, including parking garages, at all reasonable times, for the purpose of making the repairs or alterations as are necessary to effect compliance with the provisions of this Section.

740.07 Enforcement

Subd. 1. Notice of Violation. Whenever the Sanitarian determines that there has been a violation of any one or more provisions of this Section, the Sanitarian shall give notice of such alleged violation to the license holder in person or by registered mail. The notice shall:

A. Specify the violation or violations alleged to exist or to have been committed and the repairs or improvements required to bring the dwelling, dwelling unit or rooms into compliance with the provisions of this Section.

B. Provide a time limit for the correction of the violation or violations specified. If the license holder cannot be found or served after diligent effort, service may be made upon such person or persons by posting a notice in a conspicuous place in or about the dwelling affected by the notice, in which event the Sanitarian shall include in the record a statement as to why such posting was necessary.

Subd. 2. Imminent Hazard; Temporary Condemnation. Whenever the Sanitarian finds any dwelling, dwelling unit or rooms in a multiple dwelling in violation of the standards established by this Section, and further finds (i) that by reason of such violation

it presents an imminent and serious hazard to public health, or to the physical or mental health of the occupants in it, and (ii) that the repairs or improvements required to correct the violation do not appear reasonably possible within a time which will be adequate to eliminate such imminent hazard, then the written notice of violation provided for in Subd. 1 of this Subsection shall also state that the premises are unfit for human habitation and shall order that the dwelling, dwelling unit or rooms be vacated either immediately or after such period of time as the Sanitarian shall find reasonable in view of the circumstances, pending the completion of action to eliminate the violation. In such case the notice shall be served by delivering a copy to the person in real or apparent charge and control of the multiple dwelling and by posting the same at a conspicuous place upon the structure. In the case of a hazard which affects more than one dwelling unit in a multiple dwelling, service shall be made upon an occupant of each dwelling unit, except that the failure to make service upon an occupant of one unit shall not affect the validity or effect of service of notice upon an occupant of other units.

Subd. 3. Failure to Correct Deficiencies. Whenever notice has been given in accordance with Subd. 1 of this Subsection and the license holder has failed to correct the deficiencies specified in Subd. 1 of this Section within the time allowed, the Sanitarian may either:

- A. Extend the time for correction of the deficiencies, or
- B. Serve upon the license holder a written notice requiring that the dwelling, dwelling unit, or rooms be vacated because it is unfit for human habitation.

Subd. 4. Contents of Notice. The notice shall (i) state the violation or violations which remain uncorrected, and (ii) provide a time limit, within which to vacate the premises. The written extension of time or notice to vacate may be served personally or by registered mail in accordance with the procedures set forth in Subd. 1 of this Subsection.

Subd. 5. Correction of Violation by City; Assessment of Cost. If the license holder fails to comply, the Sanitarian may proceed to abate or remove the violation and have costs assessed against the property according to procedures set forth in Section 1070 of the City Code.

Subd. 6. Unlawful to Resume Occupancy. No dwelling, dwelling unit or rooming unit which has been designated as unfit for human habitation and placarded as such shall again be used for human habitation until written approval is secured from, and such placarding is removed by, the Sanitarian. The Sanitarian shall remove such placard whenever the defect or defects upon which the designation and placarding action were based have been eliminated and the dwelling, dwelling unit or rooming unit has been made to conform to the standards established by this Section.

Subd. 7. Unlawful to Deface Placard. It shall be unlawful for any person to deface, remove or obscure any placard posted under the provisions of this Section.

History: Ord 1995-13 adopted 2-20-96; amended by Ord. 2000-6 5-16-00; Ord 2012-8, 2-21-2012

Cross Reference: Section 160, 185, 850, 1070